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EXAMINER

NICKERSON, JEFFREY L

ART UNIT	PAPER NUMBER
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2442

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Citi_Docket@kslaw.com

Office Action Summary	Application No. 09/832,863	Applicant(s) AHUJA ET AL.	
	Examiner Jeffrey Nickerson	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/17/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Application No. 09/832,863 filed on 12 April 2001 as a non-provisional of Application No. 60/197,773 filed on 14 April 2000. The response presented on 08 October 2010, which amends claims 1 and 7-8, and presents arguments, is hereby acknowledged. Claims 1-15 and 17-23 are currently pending and have been examined.

Information Disclosure Statement

2. One or more information disclosure statements filed by applicant may have one or more references crossed-off due to a failure to comply with the provisions of 37 CFR 1.98(b)(5) and MPEP 609.01(B)(1)(v) because of a lack of a *date of publication* for one or more non-patent literature documents. One or more NPL documents listed on the IDS either contains no associated date or contains only a retrieval date, which is not a publication date, and will therefore not be considered by the examiner.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 56 (Figure 1). SMS on pg 7, line 10 of applicant's specification should be 56.

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4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 17 (pg 9, line 13). Figure 3 depicts this as 14.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 7 and 8, these claims contain elements "means for prompting" (multiple occasions, claim 7) and "means for generating" (claim 8), which are means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function. Applicant's specification generally discloses a system that uses a website for prompting the user to for information (Applicant's specification: pg 6, lines 9-31). Applicant further glossily indicates throughout their specification that this website and corresponding software for the invention is being maintained by some distribution of servers (Applicant's specification: pg 8, lines 11-26; pg 8, lines 27-31). Applicant further discloses an exemplarily navigation through such a website (Applicant's specification: for example: pg 9, lines 18-31). However, this is the only structure described by applicant. No further clarification on which structure is performing each of the "means for" within the claim is ever provided. The examiner would like to note that the structure accomplishing the "means for" language in the context of software (computer implemented) functions must be more than a general purpose computing environment. See *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d 1328, 1333, 86 USPQ2d 1235, 1239-40 (Fed. Cir. 2008). Furthermore, it has been held that the algorithm performing the function must be disclosed within the specification, and that the algorithm disclosed must not be any algorithm. See *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339, 51 USPQ2d 1385 (Fed. Cir. 1999).

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While applicant refers to exemplarily algorithms (ie, pg 9, lines 18-31) it is unclear which “means for” links to which disclosed algorithm, or if which parts of the disclosed algorithms are part of the required structure of the “means for”. For example, is the algorithm disclosed on pg 9, lines 18-31 the “means for prompting the customer for access data”? And, if so, which disclosed steps of this part of the specification are required for the “means for” language? Thus, one of ordinary skill in the art, upon reading applicant’s specification, would not definitely understand which disclosed algorithms correspond to which claimed means, nor would one of ordinary skill definitely understand which parts of the algorithms are required for each means. Thus, there is a lack of clearly linking or associating the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function.

For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

For purposes of further examination, the examiner will consider any computing device programmed to perform the claimed corresponding functionality to be equivalent structure as that disclosed (ie, any algorithm that can perform the functionality).

Regarding claims 9-17, these claims do not cure the deficiencies of their parent claim(s) and, therefore, inherit the rejection.

35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim Rejections

8. Claims 1-6 and 19-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The examiner would like to note that the broadest reasonable interpretation is being given to the term “database”, which means a collection of related information or data.

Regarding claims 1, 19, and 23, these claims are directed towards methods for notifying a customer. While the claim recites a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine in such a way to impose a meaningful limit and involve more than insignificant extra-solution activity, or

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(2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of *In Re Bilski* 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The claimed method including steps of providing, prompting, storing, receiving, formulating, executing, and sending data and/or information, and is broad enough that the claim could be performed completely mentally, verbally and/or physically by a human, and therefore without any particular machine. Furthermore, no transformation is apparent. Regarding the claim being performed mentally, verbally, and/or physically by a human, for example: all steps could be performed by human interactions between financial company employees and a customer; notifications could be verbal; databases could be mentally or paper maintained information. Adding language describing structural interrelationships to be at least "a particular machine" that enables the functionality of the method to be realized may overcome this rejection.

Claims 2-6, 20, and 22, these claims do not cure the deficiency and, therefore, inherit the rejection.

Regarding claim 21, this claim recites that one of the external sources providing information is the Internet. Thus, while this claim is potentially tied to a particular machine due to receiving information from the Internet, it does not pass the requirements of 35 USC 101 because such a tie to a particular machine does not

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impose meaningful limits upon the claim's scope and involve more than insignificant extra-solution activity. The performance of certain steps receiving information from the Internet does not impose a meaningful limit on the claim's scope, because the claim does not describe how the information is received from the Internet, and thus may be received indirectly through a person. Furthermore, the asserted novelty is not directed towards how the information is received, by rather to the processing of notifications. Adding language describing structural interrelationships to be at least "a particular machine" that enables the functionality of the method to be realized may overcome this rejection.

35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections

10. Claims 1-2, 4-5, 7, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al (US 7,720,742 B1), and in further view of Klug (US 2003/0195797 A1) and Magary et al (US 2001/0056387 A1).

Regarding claim 1, Mauro teaches a method for notifying a customer of at least one requested event comprising:

providing the customer with access to a notification system (Mauro: Fig. 18, 53; col 16, line 52 – col 17, line 18 for connection to trading system), including,

(i) determining a status of the customer as a member customer or a non-member customer of a financial institution providing the notification system (Mauro: Figure 18, step 1835; col 17, lines 8-18 provides for determining if user logs on correctly),

(ii) generating access data for the customer (Mauro: Figure 53; col 34, line 53 – col 35, line 11), and

(iii) prompting the customer for the access data (Mauro: Figure 53; col 34, line 53 – col 35, line 11);

prompting the customer to select at least one requested event (ie, a certain stock hitting a certain price) (Mauro: Figure 11, col 14, lines 16-39 for entering stock trade order; Figure 52, col 34, lines 22-52 for stock alert setup);

storing the customer's at least one requested event selection in a first database (Mauro: Figure 21, steps 2170-2185, col 19, lines 8-23 provides buy trade order is stored);

prompting the customer to select at least one instruction (buy or sell the certain stock at limit price), wherein the at least one instruction is executed by the financial

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institution if the at least one requested event is triggered (Mauro: Fig 11, 1140; col 14, lines 16-39 for prompting to enter stock order parameters);

storing the customer's at least one instruction in a second database (Mauro: Figure 21, steps 2170-2185, col 19, lines 8-23 provides buy trade order is stored);

prompting the customer to select at least one method of notification (Mauro: Figure 52; col 34, lines 22-52);

storing the customer's at least one method of notification selection in the first database (Mauro: Figure 30, step 3050; col 23, lines 15-31 provide notification information is stored);

receiving trigger data from at least a third database into the notification system that triggers the at least one requested event (Mauro: col 24, lines 32-58);

formulating a first notification message that includes information about the at least one requested event (Mauro: Figure 52; col 34, lines 22-52; Fig 30, steps 3055-3070; col 23, lines 15-31 provides for generating alert about stock);

sending the first notification message to the customer via the customer's at least one method of notification (Mauro: Figure 52; col 34, lines 22-52; Fig 30, steps 3055-3070; col 23, lines 15-31 provides for sending alert to user);

executing the at least one instruction by the financial institution when the at least one requested event is triggered (Mauro: Fig 21, step 2180-2195; col 19, lines 8-23 provides for executing the buy order).

Mauro fails to explicitly recite prompting the customer to select at least one time for notification;

storing the customer's at least one time for notification selection in the first database;

wherein the notification is sent at the at least one time for notification;

formulating a second notification message that includes information about the at least one instruction; or

sending the second notification message to the customer via the customer's at least one method of notification.

Klug, in a similar field of endeavor, teaches prompting the customer to select at least one time for notification (Klug: [0036]);

storing the customer's at least one time for notification selection in the first database (Klug: [0036]-[0037]); and

wherein the notification is sent at the at least one time for notification (Klug: [0037]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Klug for allowing users to configure the frequency of receiving notifications. The teachings of Klug, when implemented in the Mauro system, will allow one of ordinary skill in the art to configure how often to receive stock alerts. One of ordinary skill in the art would be motivated to utilize the teachings of Klug in the Mauro system in order to prevent an end user from being overwhelmed and spammed from alerts.

The Mauro/Klug system fails to teach formulating a second notification message that includes information about the at least one instruction; or

sending the second notification message to the customer via the customer's at least one method of notification.

Magary, in a similar field of endeavor, teaches formulating a second notification message that includes information about the at least one instruction (Magary: [0018]); and

sending the second notification message to the customer via the customer's at least one method of notification (Magary: [0018]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Magary for sending trade confirmations when a trade is executed. The teachings of Magary, when implemented in the Mauro/Klug system, will allow one of ordinary skill in the art to setup how to receive trade confirmations. One of ordinary skill in the art would be motivated to utilize the teachings of Magary in the Mauro/Klug system in order to keep a user up-to-date on the status of their orders.

Regarding claim 4, the Mauro/Klug/Magary system teaches wherein at least the steps of providing the customer with access to a notification system, prompting the customer to select at least one requested event, prompting the customer to select at least one method of notification, and prompting the customer to select at least one time for notification are performed by a customer service representative (See Mauro for performing these steps without a CSR; Magary: [0035] provides for managing notification preferences via a CSR).

Regarding claim 5, the Mauro/Klug/Magary system teaches wherein the second database contains customer-specific financial account information (Mauro: col 10, lines 22-37).

Regarding claim 7, this claim contains limitations found within that of claim 1, and the same rationale of rejection is used where applicable. (This claim is being treated under 112 sixth paragraph, and the structures of the prior art are deemed equivalent to that of applicant's).

Regarding claim 19, this claim contains limitations found within that of claim 1, and the same rationale of rejection is used where applicable; and

wherein the financial information is collected from at least one internal source and one external source (Mauro: Fig 33, item 3380, col 24, lines 32-58 for outside; col 7, lines 54-67 for inside); and

wherein a message contains a request for reply and if a reply message is received, executing the instruction (Magary: [0035]).

Regarding claim 20, the Mauro/Klug/Magary system teaches wherein the at least one internal source is a financial institution that is hosting the system (Mauro: col 7, lines 54-67).

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Regarding claim 21, the Mauro/Klug/Magary system teaches wherein the at least one external source is the Internet (Mauro: col 8, lines 1-14).

Regarding claim 22, the Mauro/Klug/Magary system teaches wherein the at least one external source is a financial institution that is not hosting the system (Mauro: col 24, lines 32-58).

Regarding claim 23, this claim contains limitations found within that of claims 1 and 19, and the same rationale of rejection is used, where applicable.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al (US 7,720,742 B1); in view of Klug (US 2003/0195797 A1) and Magary et al (US 2001/0056387 A1); and in further view of Langseth et al (US 6,694,316 B1).

Regarding claim 2, the Mauro/Klug/Magary system teaches paying for a notification service (Klug: [0040]), but fails to teach prompting the customer to select a payment method.

Langseth, in a similar field of endeavor, teaches prompting the customer to select a payment method (Langseth: col 13, lines 10-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Langseth for allowing a user to choose a payment option. The teachings of Langseth, when implemented in the

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Mauro/Klug/Magary system, will allow one of ordinary skill in the art to enable users to choose how to pay for the service. One of ordinary skill in the art would be motivated to utilize the teachings of Langseth in the Mauro/Klug/Magary system in order to provide convenience to users.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al (US 7,720,742 B1); in view of Klug (US 2003/0195797 A1), Magary et al (US 2001/0056387 A1), and Langseth et al (US 6,694,316 B1); and in further view of Neely ("What Price Convenience? The ATM Surcharge Debate", July 1997).

Regarding claim 3, the Mauro/Klug/Magary/Langseth system teaches prompting customers for payment methods for using the notification system (Langseth: col 13, lines 10-47).

However, the Mauro/Klug/Magary/Langseth system fails to teach wherein only non-member customers are forced to pay.

Neely, in a similar field of endeavor, teaches wherein only non-member customers are forced to pay (Neely: first paragraph provides that non-customers, ie customers who aren't members of the bank, are forced to pay convenience fees).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Neely for charging convenience fees to non-members. The teachings of Neely, when implemented in the Mauro/Klug/Magary/Langseth system, will allow one of ordinary skill in the art to force

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non-members to pay but give them the option on how to do so. One of ordinary skill in the art would be motivated to utilize the teachings of Neely in the Mauro/Klug/Magary/Langseth system in order to ensure maintenance and usage costs of the notification system are covered.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al (US 7,720,742 B1); in view of Klug (US 2003/0195797 A1), Magary et al (US 2001/0056387 A1); and in further view of Neely ("What Price Convenience? The ATM Surcharge Debate", July 1997).

Regarding claim 6, the Mauro/Klug/Magary system fails to teach wherein the customer is a non-member customer.

Neely, in a similar field of endeavor, teaches wherein the customer is a non-member customer (Neely: first paragraph provides that non-customers, ie customers who aren't members of the bank, are forced to pay convenience fees).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Neely for charging convenience fees to non-members. The teachings of Neely, when implemented in the Mauro/Klug/Magary system, will allow one of ordinary skill in the art to force non-members to pay. One of ordinary skill in the art would be motivated to utilize the teachings of Neely in the Mauro/Klug/Magary system in order to ensure maintenance and usage costs of the notification system are covered.

14. Claims 8-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al (US 7,720,742 B1); in view of Klug (US 2003/0195797 A1) and Magary et al (US 2001/0056387 A1); and in further view of Gobin et al (US 6,745,229 B1).

Regarding claim 8, this claim contains limitations found within that of claim 1, and the same rationale of rejection is used where applicable; and

wherein the financial information is collected from at least one internal source and one external source (Mauro: Fig 33, item 3380, col 24, lines 32-58 for outside; col 7, lines 54-67 for inside); and

wherein a item-of-interest is a notification sent to the customer (Mauro: Figure 52).

The Mauro/Klug/Magary system fails to explicitly recite a database for generating a report at the customer's request, wherein the report includes at least data describing each item-of-interest during a customer selected period of time.

Gobin, in a similar field of endeavor, teaches a database for generating a report at the customer's request, wherein the report includes at least data describing each item-of-interest during a customer selected period of time (Gobin: col 15, lines 49-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Gobin for generating reports about items of interest. The teachings of Gobin, when implemented in the Mauro/Klug/Magary system, will allow one of ordinary skill in the art to request notification histories for a

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specified date range. One of ordinary skill in the art would be motivated to utilize the teachings of Gobin in the Mauro/Klug/Magary system in order to allow a user to review past messages. (This claim is being treated under 112 sixth paragraph, and the structures of the prior art are deemed equivalent to that of applicant's).

Regarding claim 9, the Mauro/Klug/Magary/Gobin system teaches wherein the at least one requested event is related to one of the following group consisting of a customer checking account, a customer savings account, a customer financial portfolio, a customer credit card, stock quotes, foreign exchange rates, interest rates, and loans (Mauro: Figure 52).

Regarding claim 10, the Mauro/Klug/Magary/Gobin system teaches wherein the customer's notification method preferences are selected from the following group consisting of electronic mail, hypertext mark-up language, pager, mobile phone text messaging, extensible mark-up language, facsimile, short messages service, and telephone (Mauro: Figure 52).

Regarding claim 11, the Mauro/Klug/Magary/Gobin system teaches wherein the customer's notification time preferences are selected from the following group consisting of instantaneously, hourly, daily, weekly, and monthly (Klug: [0010], [0036]).

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Regarding claim 12, the Mauro/Klug/Magary/Gobin system teaches wherein the at least one internal source is a financial institution that is hosting the system (Mauro: col 7, lines 54-67).

Regarding claim 13, the Mauro/Klug/Magary/Gobin system teaches wherein the at least one external source is the Internet (Mauro: col 8, lines 1-14).

Regarding claim 14, the Mauro/Klug/Magary/Gobin system teaches wherein the at least one external source is a financial institution that is not hosting the system (Mauro: col 24, lines 32-58).

Regarding claim 18, the Mauro/Klug/Magary/Gobin system teaches wherein the means for generating a customer's financial notification preferences includes a customer service representative (Magary: [0035]). (This claim is being treated under 112 sixth paragraph, and the structures of the prior art are deemed equivalent to that of applicant's).

15. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al (US 7,720,742 B1); in view of Klug (US 2003/0195797 A1) and Magary et al (US 2001/0056387 A1), and Gobin et al (US 6,745,229 B1); and in further view of Neely ("What Price Convenience? The ATM Surcharge Debate", July 1997).

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Regarding claim 15, the Mauro/Klug/Magary/Gobin system teaches wherein customers are identified in the first database as being a customer (Mauro: Mauro: Figure 18, step 1835; col 17, lines 8-18).

The Mauro/Klug/Magary/Gobin system fails to recite wherein the customers are either members or non-members.

Neely, in a similar field of endeavor, teaches wherein the customer is a member customer or a non-member customers (Neely: first paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Neely for charging convenience fees to non-members. The teachings of Neely, when implemented in the Mauro/Klug/Magary/Gobin system, will allow one of ordinary skill in the art to force non-members to pay. One of ordinary skill in the art would be motivated to utilize the teachings of Neely in the Mauro/Klug/Magary/Gobin system in order to ensure maintenance and usage costs of the notification system are covered.

16. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al (US 7,720,742 B1); in view of Klug (US 2003/0195797 A1) and Magary et al (US 2001/0056387 A1), and Gobin et al (US 6,745,229 B1); and in further view of Langseth et al (US 6,694,316 B1).

Regarding claim 17, the Mauro/Klug/Magary/Gobin system teaches wherein the financial information includes stock quotes (Mauro: Figure 52).

The Mauro/Klug/Magary/Gobin system fails to teach wherein the financial information includes customer's checking account balance, customer's savings account balance, customer's portfolio value, or interest rates.

Langseth, in a similar field of endeavor, teaches wherein the financial information includes customer's checking account balance, customer's savings account balance, customer's portfolio value, or interest rates (Langseth: col 11, lines 7-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Langseth for allowing alerts with all types of financial information. The teachings of Langseth, when implemented in the Mauro/Klug/Magary/Gobin system, will allow one of ordinary skill in the art to configure alerts for a multitude of financial information. One of ordinary skill in the art would be motivated to utilize the teachings of Langseth in the Mauro/Klug/Magary/Gobin system in order to enable users to get alerts about all interested financial information.

Citation of Pertinent Prior Art

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lewis (US 2002/0065752 A1) discloses a financial notification system.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Nickerson whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Jeffrey Nickerson/
Examiner, Art Unit 2442